

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

FENOFIBRATE PATENT LITIGATION  
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/28/12
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**11 MDL 2241 (JSR)  
JUDGMENT**

Whereas the defendants having brought four summary judgment motions; Mylan and Apotex having separately moved for summary judgment of noninfringement of both patents; Mylan and Apotex having jointly moved for summary judgment of invalidity of the '574 patent, and Mylan having moved for summary judgment of invalidity of the '331 patent, and the matter having come before the Honorable Jed S. Rakoff, United States District Judge, and the Court, on December 27, 2012, having rendered its Memorandum Order granting Mylan's motion for summary judgment of noninfringement, and also granting Apotex's motion for summary judgment of noninfringement, dismissing the defendants' counterclaims for invalidity of the patents as moot, and therefore, does not reach the defendants' motions for summary judgment of invalidity of the patents, and directing the Clerk of the Court to enter judgment in favor of defendants, and close this case, it is,

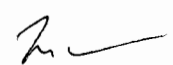
**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Order dated December 27, 2012, Mylan's motion for summary judgment of noninfringement is granted, and Apotex's motion for summary judgment of noninfringement is also granted; the defendants' counterclaims for invalidity of the patents are dismissed as moot, and therefore, the Court does not reach the defendants' motions for summary judgment of invalidity of the patents; accordingly, judgment is entered in favor of the defendants and the case is closed.

**Dated:** New York, New York  
December 28, 2012

**RUBY J. KRAJICK**

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**Clerk of Court**

BY:

  
\_\_\_\_\_  
**Deputy Clerk**

**THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_**